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Remarks

Reconsideration of the above-captioned application is respectfully requested.

In light of Applicant's swear-behind of Yoshida et al., Claims 20-27 have been allowed and Claims 12-17 have been indicated as being allowable provided the Section 101 rejections are overcome. Applicant believes that Claims 4-11, which have not been rejected on substantive grounds, likewise are allowable, particularly in light of the fact that the limitation of Claim 4 appears in the reasons for allowance.

Claims 1 and 3-19 have been rejected under 35 U.S.C. §101 for reciting non-statutory subject matter. Specifically, the examiner wanted Claim 12 to recite "computer readable medium", which it now does. Also, the examiner, while admitting that "disabling a traitor receiver" as recited in the preamble of Claim 1 is statutory, speculates that "it is not clear" that the alternative "identifying a traitor" would be a tangible concrete result. Despite the rejection on its face being based on an ambivalent "finding of fact" regarding the usefulness of identifying traitor receivers, Claim 1 nevertheless has been amended in a spirit of comity to recite that the identifying act is followed by corrective action, which, while broadly encompassing a host of possible activities, indisputably is a tangible and concrete result. The Section 101 rejections are overcome.

Claims 1, 3-11, 29, and 30 have been rejected under 35 U.S.C. §112, first paragraph allegedly for lacking enabling disclosure, in that Claim 1 recited "determining whether the traitor subset represents at least two traitor receivers" when allegedly all that is supported is determining whether it represents two traitor receiver *candidates*. Claim 1 now recites two traitor receiver *candidates*.

Claims 1 and 3 have been rejected under 35 U.S.C. §102 as being anticipated by Schwenk (USPN 6,222,923), and Claims 8-11, 18, 19, and 28 have been rejected under 35 U.S.C. §103 as being obvious over

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Schwenk in view of Yoshida et al. (IEEE). Claim 1 recites the limitations of Claim 4 and is patentable, and the claims rejected for being obvious have been canceled.

The reasons for allowance are not acquiesced in. They continue to make characterizations of Schwenk's teachings with which Applicant does not agree, and state a single element - using a false key - as the sole reason for allowance, when in fact the claims as whole are allowable and when the dependent claims additionally recite a number of additional patentable limitations. Further, after as much prosecution as this case has encountered, reasons for allowance are unnecessary, 37 C.F.R. §104.

The Examiner is cordially invited to telephone the undersigned at (619) 338-8075 for any reason which would advance the instant application to allowance.

Respectfully submitted,

  
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